

Docket No: ZERNICKEL-2  
Appl. No: 10/643,209

### REMARKS

The last Office Action of February 24, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-24 are pending in the application. Claims 1, 4-5, 18, 19 have been amended. Claims 3, 9-17, 20, 22-24 have been canceled.

The amendments to claims 1, 4-5, 18, 19 are appropriate under the standards established pursuant to 37 C.F.R. §1.116 in that the claims are now believed in condition for allowance.

It is noted that claim 19 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, and 6-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,427,656 to Miller.

Claims 18, 19, and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,620,259 to Mainardi.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miller.

It is noted with appreciation that claims 3-5 are indicated allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

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### **REJECTION OF CLAIM 19 UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Applicant has amended Claim 19 to address the §112 rejection. More specifically, claim 19 merely sets forth that the center axis (labeled by reference numeral 11) is not coincidental or aligned with the normal (labeled by reference numeral 12) but extends at a distance to the normal. This is shown in Fig. 3. It is believed that claim 19 is clear on this point.

Withdrawal of the rejection of claim 19 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

### **REJECTION UNDER 35 U.S.C. §102(b) AND 103(a)**

Applicant has amended claim 1 by incorporating the feature of claim 3, indicated allowable. As a consequence, it is applicant's belief that claim 1 is now in condition of allowance. Claim 3 has been canceled. Claims 4 and 5 have been amended to make them dependent on claim 1. Claim 18 has been amended to also incorporate the subject matter of claim 3, indicated allowable. As a consequence, it is applicant's belief that claim 18 should now also be in condition of allowance.

Withdrawal under 35 U.S.C. §102(b) and under 35 U.S.C. §103(a), and allowance of claims 1-2, 4-8, 18-19, and 21 are thus respectfully requested.

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### CLARIFICATION AMENDMENT

Applicant has canceled non-elected claims 9-17, 20 and 22-24, but reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention as covered by these claims.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate conditions for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Respectfully submitted,

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